

## Employment Laws and Your Rights – What do You Need to Know?

The following provides some basic guidelines but is not intended to replace legal advice. If you are looking for specific legal advice, please visit the resources section at the end of the page.

Please note that the following information is based on Ontario Provincial laws. Employers that are federally regulated (e.g. banks, post-office, federal government and crown corporations, airports, railways) are covered by [Federal Labour Standards](#).

In Ontario, we are fortunate to have a number of laws that protect our rights. These include:

- Ontario Human Rights Code
- Employment Standards Act
- Occupational Health and Safety Act
- Workplace Safety and Insurance Act

These laws are designed to provide consistent protection for workers including safe workplaces, discrimination free environments, fair pay and support in case of injury.

In addition, the University of Toronto Career Centres have clear [Job Posting Guidelines](#).

### The Ontario Human Right's Code (OHRC)

The OHRC states: "Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability".

#### What does this mean for you?

Simply stated, employers are legally required to treat everyone equally in the hiring process and on the job. They should not be asking you about any of the above information as part of the hiring process (you shouldn't put any of this information on your resume or discuss this at your interview).

There are some **rare exceptions** in the hiring process to this. For example, if an employer is hiring for someone to work in a changing room (or locker room), they can ask for a Human Right's exemption so that only people of the same gender can be hired. Employers can require a criminal record check for positions which work with vulnerable populations.

In addition, employers are obligated to provide a discrimination free workplace. All employment related decisions should be based on merit.

## **Duty to Accommodate**

Another important element of the Human Right's Code is that the employers have the [Duty to Accommodate](#) persons with a disability in the hiring process and on the job. According to the Human Right's Code website, *"the duty to accommodate persons with disabilities means accommodation must be provided in a manner that most respects the dignity of the person, if to do so does not create undue hardship. Dignity includes consideration of how accommodation is provided and the individual's own participation in the process"*. This means that *"each person with a disability must be considered, assessed and accommodated individually"*.

## **Need more information?**

Please visit the [OHRC website](#) for full details.

## **Employment Standards Act**

The Employment Standards Act regulates how we are treated in workplaces in Ontario. The specific statutes include minimum wage, hours of work, overtime, vacation pay, public holidays, leaves of absence (pregnancy and parental leave, personal leave, medical leave), termination and severance pay.

## **What does this mean for you?**

All employees are entitled to the minimum protection under this act. An employer cannot negotiate to provide you any less than the minimum standards nor can they punish you for asking about your rights. Some of the protections include:

- **Minimum Wage Rate** (as of January 2018) – the current general minimum wage is \$14.00/hour. The student minimum wage (for those under 18) is currently \$13.15/hour. There are exceptions and we encourage you to look at the Employment Standards Act page for full details.
- **Public Holidays.** The public holidays in Ontario are New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Boxing Day. If you are required to work on one of these days, you could be eligible for [premium pay](#).
- **Vacation Pay:** You are entitled to a minimum of 4% vacation pay (or time off in lieu of vacation pay)
- **Internships:** According to the [Ministry of Labour Website](#) "generally, if you perform work for another person or a company or other organization and you are not in business for yourself, you would be considered to be an employee, and therefore entitled to ESA rights such as the minimum wage. There are some exceptions, but they are very limited, and the fact that you are called an intern is not relevant". Please visit the Ministry of Labour Website to learn more about the regulations regarding paid and unpaid internships.

## **Need more information?**

Visit [Ontario.ca/employmentstandards](http://Ontario.ca/employmentstandards) or call 416-326-7160.

## Occupational Health and Safety Act

According to the [Ministry of Labour Website](#), the OHS Act gives workers three important rights:

1. The right to know about hazards in their work and get information, supervision and instruction to protect their health and safety on the job.
2. The right to participate in identifying and solving workplace health and safety problems either through a health and safety representative or a worker member of a joint health and safety committee.
3. The right to refuse work that they believe is dangerous to their health and safety or that of any other worker in the workplace.

### What does this mean for you?

Essentially, this means that you should have the expectation of a safe workplace. You have the right to be trained and to ask questions without fear of reprisal. Safety includes issues related to physical hazards, violence, harassment and bullying.

In addition, every employer is required to have a Joint Health and Safety Committee and to provide safety training for all employees. For information on your rights and how to apply them, please visit the Ministry of Labour Website.

Most importantly, it's important to stay safe in the workplace. A great source of information is the [Young Worker's On the Job Page](#) of the Ministry of Labour Website.

## Workplace Safety and Insurance Act

According to the Workplace Safety and Insurance Board (WSIB) website, "When an injury or illness happens on the job, we move quickly to provide wage-loss benefits, medical coverage and support to help people get back to work. Funded by businesses, we also provide no-fault collective liability insurance and access to industry-specific health and safety information."

### What does this mean for you?

Firstly, employers are legally obligated to report any accident or injury to the WSIB and provide the affected employee(s) with a copy of the report. If you miss work due to a reported injury and/or require medical treatment, you could be entitled to Loss of Earnings and some Health Care Benefits. Please note that there are many deadlines associated with these benefits. Please visit [WSIB Website](#) for more information.

## University of Toronto Career Centres Job Posting Guidelines

The mission of the Centres is to support students and recent graduates in their career planning, employment and transition to higher education. We value our collaborative relationships with employer partners who support us in these goals.

### Legal & Policy Context

The Centres operate within a legislative and policy framework that safeguards the interests of the institution, our students and our employer partners. Our practice is governed by adherence to:

- [Ontario Employment Standards Act](#)

- [Ontario Human Rights Commission](#)
- Canadian Association of Career Educators & Employers (CACEE) [Guidelines for Ethical Recruitment](#)
- Ontario's [Freedom of Information and Privacy Act \(FIPPA\)](#)
- University of Toronto's [standards for academic integrity](#)
- We require all internship postings comply with the [Ontario Ministry of Labour Guidelines](#).

The University of Toronto Career Centres are a founding member of the Canadian Association of Career Educators and Employers (CACEE) and follow the CACEE Standards of Practice. CACEE is a national, non-profit association dedicated to facilitating the process of introducing students to employment opportunities. As a partnership of employer recruiters and career educators, its mission is to provide authoritative information, advice, and services to employers, students, and career centre personnel in the areas of career planning and student recruitment. For more information, visit the [CACEE website](#).

Please visit this [webpage](#) for the complete University of Toronto Career Centres positing guidelines.

### Questions or Concerns?

If you have concerns about any postings on the Career Centre website, please feel free to contact:  
 Felicity Morgan, the UTM Career Centre Director, 905-828-5376, [felicity.morgan@utoronto.ca](mailto:felicity.morgan@utoronto.ca)  
 Anne Gaiger, UTM Career Centre Assistant Director, 905-569-5759, [anne.gaiger@utoronto.ca](mailto:anne.gaiger@utoronto.ca)

### Employment Law Resources

- [Arch Disability Law Centre](#) - ARCH Disability Law Centre is a specialty community legal aid clinic dedicated to defending and advancing the equality rights of people with disabilities in Ontario. ARCH provides legal services to help Ontarians with disabilities live with dignity and participate fully in our communities
- [Downtown Legal Services](#) - Downtown Legal Services is both a community legal clinic and a clinical education program, operated by the Faculty of Law at the University of Toronto (and is open to UTM students).
- [Human Rights Legal Support Centre](#) - The Human Rights Legal Support Centre offers human rights legal services to individuals throughout Ontario who have experienced discrimination contrary to Ontario's Human Rights Code.
- [Legal Aid Ontario](#) - Legal Aid Ontario provides legal assistance for low-income people.
- [Ontario Employment Education and Research Centre](#) –The OEERC has extensive information and links to many resources and clinics
- [Toronto Worker's Legal Health and Safety Clinic](#) -- This clinic is funded by **Legal Aid Ontario** to provide free information, legal advice and representation to low income workers who face health and safety problems at work
- [Federal Labour Standards](#) - provides information regarding the laws that cover federally related organizations (e.g. banks, shipping, airlines, railways, crown corporations, etc.).
- [Other Canadian Provincial and Territorial Ministries of Labour](#)